

IN THE SENATE OF THE UNITED STATES.

MAY 19, 1896.—Ordered to be printed.

Mr. BAKER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany S. 1689.]

The Committee on Pensions, to whom was referred the bill (S. 1689) granting a pension to John F. Hathaway, have considered the same and report as follows:

The records of the Pension Bureau show that John F. Hathaway was commissioned by President Lincoln as assistant surgeon of the Fourth Regiment Indiana Brigade and afterwards contract surgeon at Fort Gibson and Fort Leavenworth. He was on duty constantly from November, 1863, until July 20, 1865, when his contract terminated.

On the 21st day of July, 1891, he filed an application for a pension and was allowed \$12 per month for enlarged prostate glands, deafness of both ears, and senile debility. He was dropped from the rolls on the 26th day of March, 1895, by the present Commissioner of Pensions on the ground that "his service is not such service as entitles him to a pension under said act."

In reviewing this case it would seem that there was some ground for the allowance of the pension he enjoyed for a while, and if the correctness of his service was overlooked, the allowance must have been based solely upon his physical condition. This old man is now in his seventy-seventh year, is utterly unable to support himself, has nothing, absolutely, no one upon whom he can be dependent upon for support, and relies wholly upon friends and acquaintances for maintenance.

The records of the War Department show conclusively that he rendered valuable service as an assistant surgeon and as a surgeon under contract, and his present disabilities are largely due to that service. If the law in the case does not cover an assistant surgeon, and one under contract, especially when he has served as faithfully as one enlisted regularly in the service, it ought to. Your committee is of the opinion that this man's service was of such a nature as would entitle him to the benefits of the pension laws equally with a surgeon enlisted, and as his physical condition, established by the examining board at Leavenworth, is of such a degree as to make him a subject for charitable consideration, your committee recommend that the bill be amended by striking out the word "twenty," in line 9 of the bill, and inserting "seventeen," and as thus amended the bill be passed.